

A  
 STUDENT GUIDE  
 TO CHAPTER  
 622  
 THE MASSACHUSETTS EQUAL  
 EDUCATIONAL OPPORTUNITY  
 REGULATIONS

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## TO STUDENTS

This booklet was written to give you complete information about Chapter 622, the Massachusetts Equal Educational Opportunity regulations. As an informational reference it has a variety of uses. You are encouraged to share this information with other students and with teachers, administrators, and parents. The booklet is also useful as a focal point for meetings, workshops or conferences. You are encouraged to use this booklet as a basis for sharing information. If it is necessary, in order to achieve remedial or corrective action, grievance procedures are outlined for your information.

The Authors

## ABOUT THE AUTHORS

This booklet was written primarily by and for students.

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# INTRODUCTION

Chapter 622 of the Acts of 1971 was enacted by the Massachusetts State Legislature to guarantee equal access to all public schools and public school programs, without regard to sex, race, color, religion or natural origin. Specifically, Chapter 622 states *"No person in Massachusetts shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin."*<sup>1</sup>

Therefore, regardless of your race, color, religion, sex or national origin, you must be allowed to attend the public schools in the town where you live, be given the opportunity to take any courses, be involved in any activities, and take advantage of any privileges provided by your school for which you are otherwise qualified. For example, your school cannot have rules or activities that apply to only one sex or one racial, cultural, or ethnic group.

In 1975, the Massachusetts Board of Education adopted regulations implementing Chapter 622 for all areas related to public schools and public school programs. These regulations were written by a committee of students, educators and citizens from around the state. The regulations explain in detail how the law should be carried out in order to ensure that all schools interpret and comply with the law in the same way.

Section I of this booklet, Definitions, covers various kinds of discrimination that students may face. The definitions clarify our understanding of discrimination and its affect on all students.

Section II, Regulations, explains the specific regulations adopted by the Massachusetts Board of Education. This section explains in detail what schools must do, or avoid doing, to comply with Chapter 622 and a similar federal law called Title IX. Areas covered include:

- \* admission to schools
- \* admission to courses
- \* marriage and pregnancy
- \* curricula
- \* facilities
- \* extra-curricular activities
- \* guidance
- \* employment
- \* active efforts

Section III, The Grievance Procedure, covers formal and informal grievance procedures and other ways in which you can make sure that Chapter 622 is carried out properly in schools throughout Massachusetts.

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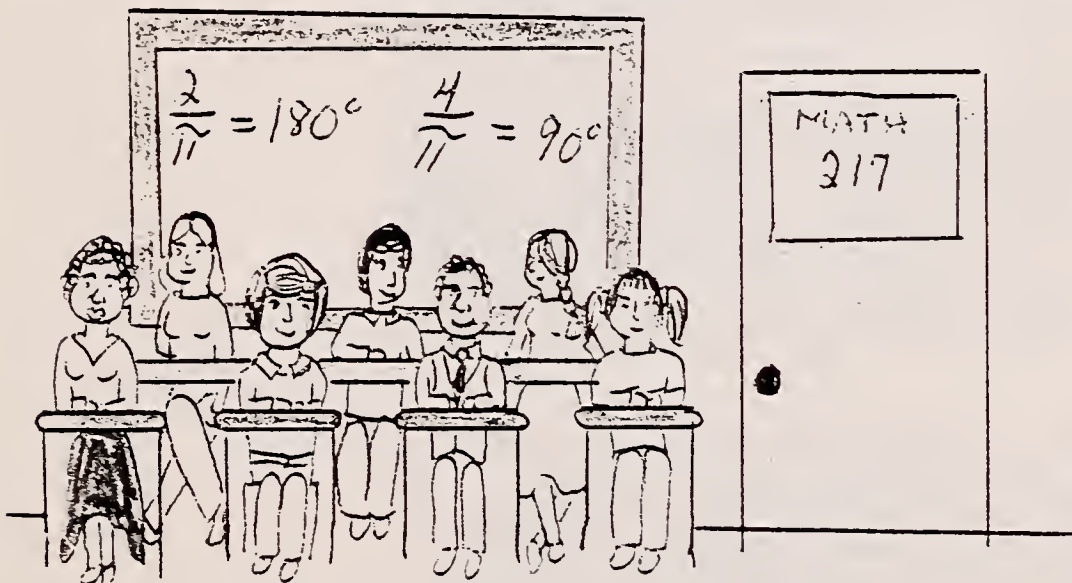
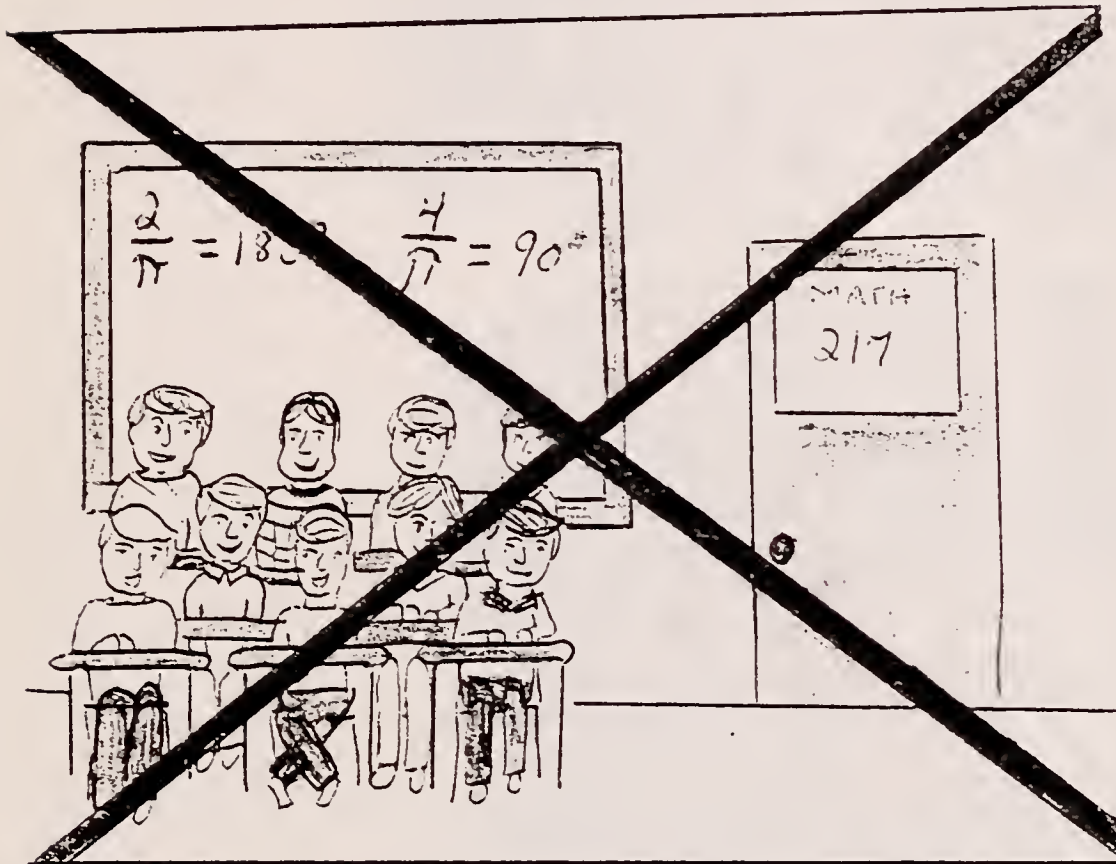
<sup>1</sup>Chapter 622 of the Acts of 1971, An Act to Prohibit Discrimination in Public Schools is codified as Massachusetts General Laws chapter 76, sections 5 and 16.

Section IV, Other Things You Can Do To Promote Equal Educational Opportunity, outlines specific activities for students who wish to participate in making others in their community aware of Chapter 622 and how it affects us all. The section also lists state and local agencies which can help you by providing information or by helping you file a complaint if you think there is a discrimination problem in your school.

## PART I

### DEFINITIONS

#### Discrimination, Bias, and Stereotyping





# DISCRIMINATION, BIAS, AND STEREOTYPING

According to the dictionary, to discriminate means "to constitute a difference between; to distinguish; to differentiate." Bias is defined as "a mental leaning or inclination; partiality or bent." In these terms, it may be all right to discriminate and to have a bias. Discrimination may be used when we choose to see one movie and not another. A person may have a bias for strawberry instead of tutti-frutti ice cream. In this context, these words are innocent enough.

However, when you add words like "sex", "race", "religion", "national origin", or "English speaking ability" in front of "discrimination" and "bias", the combinations are not so innocent. Sex discrimination, race discrimination, bias against someone's ethnicity or religion are not merely simple distinctions or preferences. These terms define actions and attitudes which are harmful. These terms add up to denial of equal opportunity because someone prefers a white person instead of a black person to do a job or thinks only males should take a certain course in school. Such discrimination denies people a chance to do something because of their sex or race, something they really can't do anything about. It is this type of discrimination and bias that we talk about in this book.

Discrimination on the basis of sex, race, color, religion, or national origin is an action against someone which usually stems from a belief that all people in a certain group are superior or inferior just because they are, for example, male, female, black, white, Hispanic, or Roman Catholic.

If a person is prohibited from participating in a public school program or course of study because of their sex or race, that denial constitutes sex or race discrimination. For instance, if a guidance counselor tells a student that she cannot or should not take a certain class, such as mechanical drawing, because it is not "suitable" for girls, this student has been discriminated against. She has been prevented from taking the course she wants be-



cause of the guidance counselor's bias or prejudice that males and females should do different things.

Bias and discrimination on the basis of sex, race, religion, or national origin hurt everyone. They limit the opportunities of people for no good reason. They also hurt people's understanding of confidence in, their own abilities. If someone tells you often enough that girls are not as good at mathematics as boys are, or that blacks are not as smart as whites are, and you are a girl or you are a black, you might start to believe that this is true of you.

A stereotype is a generalization about an individual's behavior based upon his or her similarity to others. When it is based on a person's sex, religion, color, race, or national origin, stereotyping can be harmful. Saying things such as "all Jews eat bagels" or "all blacks have rhythm" or "all women want to get married" is ethnic, racial or sex-role stereotyping.

#### "Is discrimination always bad?"

When you are interviewed for a job you usually are not the only person who applies for that particular job. The employer should select a person because of the skills that he or she has which other candidates lack. This kind of discrimination is good. But, when an employer does not choose you because you are a certain race or nationality or because you are of a certain religion, the employer is letting racial, ethnic or religious bias influence the decision, and is treating you unfairly.

#### "Who are the victims of discrimination?"

The statement "the only people who are discriminated against are minorities", is unfortunately widely accepted as fact. It is not. Everyone experiences some kind of discrimination during their lifetime. It is true that the largest number of victims of severe discrimination are minorities, but not all of them. Women are often subject to illegal and unfair discrimination as are people with foreign accents or different cultural beliefs.

### "Who discriminates?"

Institutions, policies, agencies, towns and people discriminate. Some application forms ask "What religion are you?" That can be a discriminatory question if the people who review the policy are religiously biased. Institutions discriminate by not admitting or hiring people from a certain sex, racial or ethnic group. The reasons for these types of discrimination are often vague, unrealistic, and simply not true.

### "Where does discrimination occur?"

Discrimination may occur anywhere: in schools; in recreational activities; in business; and in public and private organizations. Discrimination in schools affects us all. For example, in the area of guidance counseling, sex or race or ethnic discrimination can limit a student's ability to make informed choices about his or her present school activities and future plans. A counselor may advise a student about what courses to take, which careers to explore, or why or where to apply for college. If the counselor makes decisions about a student based on whether or not the student is female, black, Hispanic or Christian Scientist, and gives out information about the course, colleges or jobs that the counselor feels are "right" for the student because of his or her sex, race, ethnicity or religion, that counselor has not recognized the individual interests and abilities of the student. Sometimes, this feeling can be communicated very subtly, through facial expressions or slight remarks.

### "What does it mean to be discriminated against?"

Discrimination affects everyone differently. Generally, in school it means that you as an individual are being denied the opportunities to learn and develop skills that you need to grow and survive. It means that you are being judged unfairly and that because of this, you are losing the chance to be yourself and to achieve full potential. You know you could star in the senior play and finally have the chance to prove it, when

suddenly you are taken out of the cast because someone questions whether a minority student should play the role. That can hurt.

"Why is it important for all people to know what illegal discrimination is?"

You can only protect yourself from being illegally and unfairly discriminated against if you know what discrimination is and the subtle and not-so-subtle ways it affects your life. Any belief or action based primarily on whether you are male or female, or a member of a certain ethnic, racial, or religious group is unjust and illegal if it prevents you from participating in a school program. By understanding, recognizing and preventing discrimination you will be able to try anything for which you are qualified regardless of how others feel about your sex, race, religion and national origin.

"Are you discriminated against because of your race or color?"

Have you ever felt that you have been treated unfairly because you are a member of a minority group or because you belong to a certain racial, ethnic or religious group? If you have not, you are lucky; but if you have, you should stop and think about what you want to do. Before taking any action, it is important to find out if you have really been discriminated against on the basis of your race, color, sex, religion, national origin or English-speaking ability. Sometimes that feeling stems from your perspective, but does not always mean that the other person has done something unjust or unfair. However, equally as often that feeling can come from having been subjected to biased attitudes. If that happens, then there is something you can do to keep it from happening again in your school. For example:

Suppose you told your guidance counselor that you wanted to take a class in computer engineering, and the counselor said, "You don't see many Black Haitians in that profession." Although the counselor may say this is an honest attempt to prepare you for reality, this information might be said in order to convince



you not to enter that profession because the person feels Haitians cannot do that work. This would be an example of racial bias based on an unfounded belief which may eventually lead to a discriminatory action against you. It hurts to know that just because you are a certain color or race you have been denied opportunities to which you are entitled. By law (Chapter 622), counselors should provide information to all students based on their abilities and not their race.

Today, state and federal laws have reduced the incidents of discrimination based on sex, race, ethnicity, and religion. Although no law can change people or their attitudes, it can help to protect you if you know what to watch out for and how to file a complaint if you have good reason.

"Are you discriminated against because of your national origin?"

Where are you from? What language do you speak? Have you ever been told that you cannot go out for a club in your school or run for office because you were born outside the continental United States? This means you are being judged unfairly because you are of a different culture or because you have different customs.

If a Spanish speaking person applies for a school job and the interviewer thinks that because the person has an accent he or she should not do the job (even though the work has nothing to do with public speaking), this is ethnic discrimination. That is just one of many examples of how people are discriminated against because of their national origin. Is it fair?

"Are you discriminated against because of your religion?"

What religion are you? Do you celebrate religious holidays? Are you able to celebrate religious holidays without any pressure from your teachers? Do teachers punish you if you stay home from school because of religious holidays? Are many of your school activities held on days when a lot of students are out for religious holidays?



If a student chooses to celebrate YOM KIPPUR<sup>o</sup> at home because they are Jewish and a teacher gives a test on the same day, the student should be allowed to take the test a day late. Missing school because of religious beliefs is a legitimate reason for being absent.

"Are you discriminated against because of the language you speak?"

What language do you speak at home? Do you feel that you are being treated unfairly in your school because you are bilingual? If your native language is a language other than English, you may be eligible for special educational services in your school. If you have difficulty speaking English, you may have problems with students and teachers because they don't understand you. If you don't understand English very well, you may be missing out on some important opportunities or information that you need. The school must take this into account and, in most cases, give you information in your native language.

"Are you discriminated against because of your sex?"

Do you feel you have been discouraged from any school activity because it is considered an "all male" or "all female" activity? Are you able to enroll in any course or activity without negative pressure from teachers who say "there have never been any males or females in the course before?" Under Chapter 622 you cannot be discriminated against because of your sex in your school. This means that you have the right to take any class for which you are qualified regardless of your sex, except for those segregated reasons of privacy. The following are some good examples of illegal sex discrimination:

- \* A girl wants to take an advanced physics class and goes to see the teacher about it. She explains to the teacher what she wants and the teacher tells her that the course will probably be too difficult for her because she is a girl. The girl does not enroll in the course.

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<sup>o</sup>Day of Atonement

- \* A boy wants to take a dance course, so he goes to the dance teacher and tells that teacher what he wants to do. The teacher tells him that he cannot take the course because the class has only girls in it and they will be uncomfortable with a boy in the class. The boy does not attend.
- \* All 7th grade students may be required to take a home economics course. The girls are encouraged to take a "basic course" in home economics while the boys take a "culinary arts/gourmet chef" course.

These are clear cut cases of discrimination based upon sex. Teachers must not discourage students from participating in any activity or class which has historically been attended only by one sex.

PART II  
REGULATIONS  
What Are Your Rights?



# ADMISSION TO SCHOOLS

You have the right to attend the public schools in the town where you live, grades K-12. This includes vocational-technical, trade, and selective high schools. However, students who want to go to selective and vocational high schools must apply because the number of students who can be accepted each year is limited. The school must accept students based on ability, not because of their sex or race, color, religion or national origin. [Section 2.01]<sup>1</sup>

The steps which a school follows to recruit or interest you in the school are important. Materials, such as booklets and films, used in recruiting should have pictures of members of both sexes and of minority group people. This is important because this encourages groups that have been under-represented in the school or in courses, to apply. [Section 2.02]

## Schools must:<sup>2</sup>

- \* admit students without regard to race, color, religion, sex or national origin. [2.01];
- \* recruit student groups previously under-represented [8.01];
- \* use pictures which depict students of both sexes and minority groups [2.02];
- \* abolish criteria for entrance if those criteria have previously limited access to members of one sex, race, ethnic or religious group [2.05].

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<sup>1</sup>References are applicable to sections of the Chapter 622 Regulations.

<sup>2</sup>Unless otherwise required by the context, the word "school" refers only to public schools.



Schools must not:

- \* discourage applicants because of race, color, religion, sex or national origin. [2.02];
- \* use recruitment materials that show or talk about only one sex or minority group [2.02];
- \* use standards for admission that tend to limit members of a sex or minority group [2.04];

Example: A public school cannot use a test for admission that is not understood by students of limited English proficiency.

- \* use admission criteria that favor one sex or minority group.

Example: A public school cannot have a policy of admitting only boys.

## **ADMISSION TO COURSES**

In the past, certain courses were restricted to males and females because of tradition or policy. Females were required to take courses such as home economics, and males took courses such as industrial arts. While choice may have been a factor, schools often required males and females to take different courses. Also, activities for males and females in gym classes were different. Now you have the right to take courses in all areas that interest you and for which you are qualified. Everyone has the same chance to take advantage of all opportunities in school regardless of your race, sex, religion, national origin, or English-speaking ability.

If your school has prerequisites--courses

which you must take in order to advance in a certain area--which were not accessible to you because, for example, of your sex, you are now allowed to take the prerequisites or be permitted to enter the course without them.

For example, suppose you are a Spanish-speaking student and are interested in taking a computer science course. The prerequisite rule states that before a student enters the course he or she must take one year of advanced algebra. You have been unable to take the course because advanced algebra met at the same time as your bilingual English class. You have been told that since you have not taken advanced algebra, you cannot take computer science. WHAT CAN YOU DO?

Because the scheduling of bilingual English prevented you from taking advanced algebra, you must be allowed to take computer science without having taken the prerequisite if you can demonstrate that you have sufficient knowledge to enter the course.

Schools must:

- \* make courses open to students regardless of race, color, religion, sex, or national origin [3.01];
- \* allow students to take prerequisites or enter a course without prerequisites if access to prerequisite courses has been limited on the basis of sex, race, color, religion or national origin [3.01];
- \* schedule students into courses without regard to race, color, religion, sex or national origin [3.03];
- \* make available bilingual and remedial programs where necessary [3.04].

# MARRIAGE AND PREGNANCY

Title IX (the Federal regulations that prohibit sex discrimination in schools) prohibits discrimination against pregnant students. A married or pregnant student has the right to attend school, but a pregnant student may be required to be under the supervision of a physician.

A school system may not discriminate against a pregnant or married student or exclude such a student from its educational programs or extra-curricular activities. A pregnant student wishing to continue her education during pregnancy may do so with proper certification from her attending physician.

If a pregnant student's doctor certifies that she must remain at home during her pregnancy, the school system must provide her with the appropriate educational services as arranged by the school so that she is able to work at home and continue her education.

Title IX regulations prohibit discrimination against pregnant students on the basis of sex. School systems may operate special schools, classes or programs for pregnant girls, but student participation must be voluntary. No student can be forced to participate in any program not considered to be part of the regular school curriculum, or made to leave school if she does not choose to do so.

## Schools must:

- \* provide appropriate educational services for any student who must remain at home during her pregnancy for medical reasons.

## Schools must not:

- \* exclude a pregnant student from any educational program or extra-curri-

gard to the race, color, sex, religion or national origin of any student.

This means that if there are boys' bathrooms on every floor of the school then there should be girls' bathrooms on each floor. In the same way, if there are lockers in the boys' gym, there must be lockers in the girls' gym. If the girls have bathrooms with mirrors or hairdryers, then the boys should have the same. The law also requires that no facility should be segregated or labeled by race [7.02] .

## **EXTRA-CURRICULAR ACTIVITIES**

This area interests a large number of high school students. Extra-curricular activities include clubs, pre-professional organizations, intramural competition among students in the same school, interscholastic competition between teams in different schools, and any activities which are made available, sponsored, or supervised by the school. Chapter 622 regulations cover how money is spent, what facilities are used, what awards are given, and which staff are utilized [6.00].

For many years the amount of money spent on girl's athletics teams has been substantially less than for boys' teams. Chapter 622 is changing this. Prior to Chapter 622, girls had less opportunity to participate in athletics. In Massachusetts there are now girls on ice hockey, soccer, and football teams. There are boys on field hockey, softball, and cheerleading teams. Now, everyone has the right to try out for any sports team. In most cases where there is only one team for a particular sport, both boys and girls must be allowed to try out for these teams [6.07 and 6.08]. Separate teams are allowed provided that expenditures, facilities, instruction, equipment, and level of competition provide for equal opportunity. This does not mean that money spent for girls athletics must match, dollar for dollar, money spent on boys athletics. It means that there must be a fair distribution of athletic expenditures so that all students have an equal opportunity to participate.

Clubs in your school must be open to every-



cular activity if the student has a doctor's certificate allowing her participation;

- \* force a pregnant/married student to attend any special course, class or activity [86.40(b) (3) of Title IX regulations];
- \* force a student to leave school because she is pregnant [86.40(b) (1) of Title IX regulations].

## CURRICULUM

A school's curriculum is important to all students because its variety can allow students to be exposed to many different subjects. It should provide the opportunity for you to learn about the experiences of all people, not just one group [5.01].

For example, traditionally history books have focused on the accomplishments of famous people. Usually, these people have been white males involved in wars and politics. However, if you think about a period of time in history, it is not only the famous people who determined what was going on in society. Regular people, immigrants, minorities and women all have played, and continue to play, an important role in what happens in the world. The school has the responsibility to inform students about the different contributions of these groups of people, and not just focus on those who were famous.

In addition, many textbooks have historically portrayed minorities and women in demeaning or negative stereotyped roles. Now materials used in schools must represent all groups in a fair, non-stereotyped manner, showing the positive contributions that have been made in society and history. If books with sex or race stereotyping are used, your teacher must include materials such as readings and films which supplement the regular text materials or activities in order to offset any stereotypes [5.02].

Co-education--the mix of males and females--is now required by law in almost all classes,

except where privacy is an issue [ 5.04 ]. Physical education classes must be co-ed since it is a regular part of the curriculum in the school. Therefore, like any other class, students should be provided with equal opportunities regardless of their race or sex. However, with respect to privacy, students may be separated. For example, if young men and women do not want to wrestle together, they should not be forced to. On the other hand, if they want to wrestle, they cannot be denied the opportunity [5.04 and 3.05] .

Schools must:

- \* fairly represent cultures, history, activities, and contributions of different races, nationalities, sexes and colors [5.01 ];
- \* review books and other materials for sex and minority stereotyping [5.02];
- \* use supplementary materials to offset stereotypes in materials [5.02];
- \* include representations of both sex and minorities in a variety of roles in new materials they purchase [5.03].

Schools must not:

- \* have single-sex physical education classes unless there is an issue of privacy [3.05].

## **FACILITIES**

Chapter 622 insures all students equal access to all athletic, academic, and personal facilities. The Chapter 622 regulations state that newly constructed or renovated schools must be designed so that the educational opportunities to be offered in that school will be available equally to all students without re-

one regardless of race, color, religion, sex or national origin [6.02]. Announcements for these activities should make it clear that the activity is open to everyone. An announcement cannot say, "any Black students who wish to join the Afro-American Club" or "any girls who wish to try out for cheerleading." Announcements such as these may discourage students who are not members of these groups from participating, and may be deemed discriminatory.

Schools must:

- \* allow everyone, regardless of sex, to try out for athletic teams [6.02];
- \* have fair distribution of spending, coaching, facilities, equipment and awards for male and female teams [6.04, 6.05, 6.06];
- \* open all activities to students regardless of race, sex, color, religion or national origin [6.02].

Schools must not:

- \* have announcements that mention only one sex or minority group [6.02];
- \* limit clubs or athletic teams to one sex [6.02].

## GUIDANCE

A girl in the eighth grade is interested in taking a shop course. Most of the boys have taken drafting in the seventh grade, but she, like the majority of girls, took sewing. Drafting was not listed as a prerequisite for shop, but she was told that boys who took drafting would be given preference for the shop course. When she went to the guidance office, she was given little encouragement. The guidance counselor told her to take home economics because girls should know how to cook and sew. This is discrimination.

Guidance counselors should advise students to choose courses on the basis of ability and career aspirations. The counselors may not advise students on the basis of their personal biases about people's race, color, sex, religion or national origin.

Students often go to guidance offices to get information on careers, testing programs, schools, and other special programs. Pamphlets used for this purpose must be reviewed by the guidance department and contain pictures and information on members of all races and sexes. This is to ensure that students understand that they can participate in these programs. An exception to this regulation would be information on single-sex colleges and universities.

### Schools must:

- \* instruct guidance counselors to present students with a broad range of educational and career choices [4.01];
- \* have representatives of both sexes and minorities in a variety of jobs if they have a "Career Day" [4.02].



Schools must not:

- \* use recruitment materials or texts which have pictures or make reference to only one sex or minority group [4.02];
- \* use tests for guidance which discriminate on the basis of race, color, religion, sex or national origin [4.03];
- \* discourage students from participating in any course which has previously been dominated by one sex or racial group [4.01] .

## **EMPLOYMENT**

Many students feel limited in their career choices because they lack exposure to diverse role models. For example, not all principals are men, not all home economics teachers are women, and not all educators are white.

School administrators can help to change these stereotyped attitudes by hiring a variety of people to work in professional jobs. Students exposed to adults in a variety of positions will learn about many different career opportunities first hand and may feel encouraged about their career aspirations.

Chapter 622 also addresses the issue of employers who recruit new employees through the school. It states that the superintendent shall make sure that the employer does not discriminate on basis of race, sex, color, religion or national origin. This means anyone hiring students through the school has to follow these standards [8.07] also.

## **ACTIVE EFFORTS**

Your school system is responsible for making sure that Chapter 622 is properly im-

plemented--carried out-- in your school. The Chapter 622 regulations require each school system to evaluate the K-12 program each year to ensure that all students are given equal opportunities in all areas [8.01]

Your school must provide inservice training about Chapter 622 to school personnel [8.03]. The purpose of the training is to inform all personnel about Chapter 622 and how it should be implemented. Inservice training programs should be designed to increase awareness of the implications of Chapter 622 and to encourage attitudinal and curriculum changes in the classroom.

The superintendent of your school system must notify you and your parent or guardian about Chapter 622 [8.05]. A notice must be given to each year and it must be written in the language that you and your parents speak at home. If Spanish is the language that you and your parents speak, the notice to you must be in Spanish.

Schools to which you make application, such as selective academic high schools, trade schools, or vocational schools, must admit qualified students of all sexes and racial and ethnic groups. Groups previously under-represented in the school should be encouraged to apply so that the school population reflects the sexaul, racial, and ethnic make-up of the geographic area served by the school. If, after the application period is over, not enough students in the under-represented group have applied, the school may accept qualified students from other groups.

How the idea of attending a particular school is presented is very important. If you are treated kindly and encouraged to attend a new school, you will feel more confident about attending that school. The law says first that it is wrong for a school not to admit students because of race and sex, but goes further to say that schools must make active efforts to encourage under-represented students to enroll and attend.

Schools must:

- \* admit qualified under-represented students in proportion to their population in the area when students are admitted as the result of a selective process [8.10];
- \* annually evaluate their K-12 program in the school system to check for 622 compliance [8.01];

Example: A school will make up a Chapter 622 checklist in the area of guidance. They will use the checklist to evaluate their program. Once they have done this, they can correct areas where there are problems.

- \* notify you and your parent or guardian of Chapter 622 in written form and in your primary language [8.05];
- \* provide inservice training to all school personnel to ensure understanding of Chapter 622 [8.03];

Schools must not:

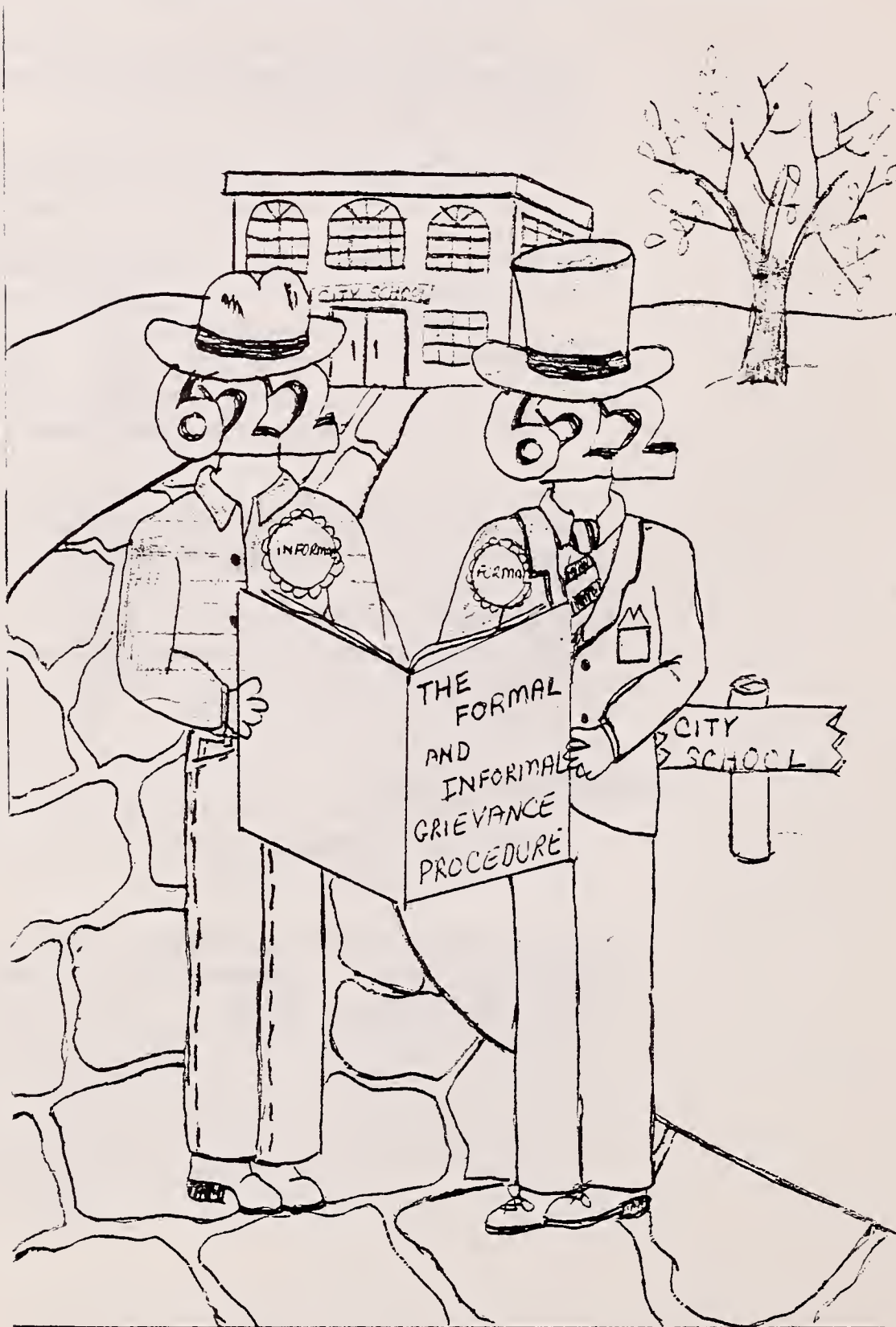
- \* limit enrollment to one sex, race or ethnic group [8.01];
- \* send notification of Chapter 622 only in English if students speak a different native language [8.05].



## PART III

### GRIEVANCE PROCEDURES

#### The Informal Grievance Procedure The Formal Grievance Procedure



Both Title IX and Chapter 622 require every school in Massachusetts to establish grievance procedures. These procedures provide a structured way for you to file a formal grievance or complaint. An informal complaint process is also possible and is less structured, allowing the student to follow his or her own course of action.

If you feel you are being discriminated against, it is important that you take the proper steps to correct the situation for yourself and other students experiencing difficulties. Whether you choose the informal or formal complaint procedure, be sure to carry your complaint to the end. Remember that you are seeking to achieve equality for every student in your school. Your mature handling of any situation will reflect on the entire student body. Keep in mind that you are trying to help your school system to comply with a state law, Chapter 622, and that compliance will result in an equitable situation for everyone.

This section outlines, in detail, what steps you should take to initiate an informal complaint, and the procedures for filing a formal complaint.

## **WHAT IS A COMPLAINT?**

Imagine you are not allowed to take a class because of your sex. This is a violation of Chapter 622. Reporting a violation is very important because discrimination cannot be corrected unless people know about it.

There are three ways to report your complaint:

- \* the informal complaint (a self-implemented plan);
- \* the formal complaint (as established by Chapter 622);
- \* the private right of enforcement (using the state court system).

The Chapter 622 complaint procedure was established to make sure Chapter 622 is implemented properly in your school.

## **THE INFORMAL COMPLAINT PROCEDURE**

If you believe there has been a violation of Chapter 622 in your school, it is time for action. Usually the informal complaint procedure is the best place to start. It allows

the student to try to correct any injustice without a lot of help. Often this approach can ease tensions and prevent further hostility.

Consider the following case:

Jorge Pavan moved to Massachusetts with his family two years ago. His native language is Spanish, but his English has improved greatly over the last two years. He looked forward to an industrial arts course offered at his school. The industrial arts teacher would not allow Jorge to take the course claiming "I cannot be responsible for students if I am not sure they understand my instructions, which are given only in English."

1. - Talk directly to the person involved.

This decision may be a school regulation or the teacher's personal decision. It is important to find out which is true in your case, since this may affect the way you follow-up on your complaint. It is possible that some teachers and counselors expect different behavior from students depending on their race, color, sex, religion, or national origin. They may not be aware that their behavior is discriminatory. Talking to the person directly involved may convince that person to change the decision or policy. If this does not work, don't give up - you should speak to other school officials.

2. - Speak to the Department Chairperson.

Every teacher and counselor is usually accountable to the chairperson of their department. For example, an English teacher reports to the chairperson of the English department. If you feel your rights have been violated, speaking to the department chairperson might be useful. Ask the chairperson to speak with the teacher or counselor involved and investigate why the discriminatory practice exists. There is always the possibility the department chairperson will be able to correct the problem, but if they cannot or will not, the next step is to bring your complaint to the principal.

3. - Speak to your parents.

Remember to let your parents or guardian know about the situation. It is good to have your parents' or guardian's support. School officials will believe you are serious when they know that you have your family's support. Explain to your family what is going on and why it is important to you to have it changed.



#### 4. - Talk to the Principal.

The principal is responsible for everything that happens in the school building. If Chapter 622 has been violated, he or she should be notified. Arrange for an appointment to speak with your principal. Make sure that your information is correct and clear. Remember to tell why you believe discrimination exists in your school by referring to specifics in your case, and why Chapter 622 is being violated by referring to the regulations. Do some research--you will make a better impression if you are sure of the information and yourself. After you have presented your case, ask your principal to look into the matter.

A meeting of this type could clear up the problem. However, your principal may need more time to look into or resolve the issue. If this is the case, ask when a decision will be rendered. If more than a week passes without a reply, visit the principal again. Find out why nothing has happened.

Your principal may feel that no discrimination exists. If so, be polite and listen to his or her point of view. Do not lose your temper. If you are not satisfied with the response, repeat your request. If your principal refuses to do anything further, go on to the next step.

Your principal may refuse to meet with you. If this happens, ask for an explanation in writing. In this way you have a record of your contact with the principal if you ever need it to report a violation of Chapter 622.

Whenever your principal makes a decision, ask that it be put in writing. In this way if you have to continue with the procedure you will have a record of all discussion and requests.

#### 5. - Talk to Your Title IX/Chapter 622 Coordinator.

Every school system must have a Title IX coordinator and a Chapter 622 coordinator. Most school systems have one coordinator who is responsible for both Title IX and Chapter 622. Call the superintendent's office to find out who

your Title IX/Chapter 622 coordinator is.

If other efforts do not resolve the situation, speak to the TitleIX/Chapter 622 coordinator for your school system. He or she should be able to answer any questions you have about the law or the regulations. If there is a violation it is the responsibility of the Title IX/Chapter 622 coordinator to make sure the situation is changed and the problem resolved. Usually the Title IX/Chapter 622 coordinator will be helpful and interested in looking into or solving the situation. However, if the coordinator is not helpful or is unable to resolve the matter, you should then go on to file a formal grievance.

## **THE FORMAL COMPLAINT PROCEDURE**

The formal complaint procedure is the next step in trying to get your school to comply with Chapter 622. Until now, you have been using the informal complaint process by meeting with school officials in the hope that people would recognize the inequities within your school and try to change them. If the informal complaint procedure does not work, then go on to the formal complaint procedure.

## **WHAT IS A FORMAL COMPLAINT PROCEDURE?**

The Chapter 622 complaint procedure is established by state regulations. It requires school systems to respond to possible violations of your right to an equal education.

## **WHO CAN FILE A COMPLAINT?**

Students, staff, teachers, parents, guardians, or concerned citizens may file a Chapter 622 complaint, even when they are not directly affected.

Some examples of violations of Chapter 622 which might be redressed by a complaint are:

- \* A male student is discouraged by his guidance counselor in taking a home economics class because of his sex.

- \* Parents learn that their child is denied entrance to a class because of their family's national origin.
- \* Black students at City High feel that they are disciplined more severely than white students because of their race.
- \* A teacher believes the schools' text books do not fairly represent various racial and ethnic groups.
- \* A female student is not allowed to try out for the boys' tennis team because of her sex even though there is no equally equipped girls' team.

## **HOW DO YOU FILE A COMPLAINT?**

If you believe your school has violated Chapter 622, request a written statement of the reasons for the school's actions from the superintendent of schools. The superintendent will bring the complaint before the school committee who must respond to you in writing within thirty days. Submit a copy of any records you have from the informal complaint to the superintendent. Be sure to keep the original records. You may also want to send a copy to the Bureau of Equal Educational Opportunity in the Department of Education. The school committee must send a copy of their response to your complaint to the Bureau of Equal Educational Opportunity (EEO).

The Bureau of Equal Educational Opportunity also acts as the representative for the state Board of Education in receiving grievances about discrimination and possible violations of Chapter 622. It monitors the complaint to see that existing discrimination is corrected and conducts reviews to make sure schools continue to comply with Chapter 622. Your school must cooperate with the Bureau's review. If the school or school committee refuses to cooperate with the review or is in violation of the law, the Board of Education may hold back funds for the school system or refer the matter to the Attorney General for appropriate legal action.

## **WHAT ELSE CAN YOU DO?**

At any time during the formal or informal



grievance procedure you have the right to take the school to court if you feel it is the only way you can resolve your problem in the school. This is called "the private right of enforcement."

## HELPFUL HINTS

Here is a list of hints that will help you with both the formal and informal complaint procedures:

1. Establish the facts. Make sure that your presentation of the problem is clear and truthful.
2. Know the law and regulations that apply to your problem or complaint.
3. When you discuss the situation with a teacher, counselor, or administrator, you may want to take along a friend. If necessary, your friend can provide support and may later be required to recreate or clarify conversation with other students, teachers, or administrations.
4. KEEP CALM. When you talk with a teacher, counselor, or administrator, remain calm and collected, especially if the person you are talking with becomes angry.
5. Keep careful notes of what happens, include dates and names of people you talk with.
6. FOLLOW THROUGH. Show you are serious. Inquire frequently about what is happening to your case.
7. You are not alone. Do not be afraid to ask your parents and friends for their help and support.
8. Do not hesitate to consult a lawyer, community organization, or the Department of Education. They can help a great deal.



## FOLLOW THE PROPER CHANNELS

When filing a Chapter 622 grievance, whether formal or informal, it is important to know how the administration is organized. A general outline is shown below.

Massachusetts Department of Education  
(Bureau of Equal Educational Opportunity)

School Committee (of your town)

Superintendent of Schools

Title IX/Chapter 622 Coordinator  
(could be in Superintendent's Office)

Principal/Headmaster

Chairperson  
of Guidance

Chairperson  
of Department

Counselor

Teacher

Students and Parents

SAMPLE

CHAPTER 622/TITLE IX GRIEVANCE REPORT FORM\*

Name of Grievant Jane Smith Date of Filing Sept. 30, 1979

School or Position Student, City High School

Address 123 Main Street, Any Town, Massachusetts 01234

Telephone Number 123-4567

Nature of Grievance City High does not have a girls track team, so I wanted to try out for the boys track team. The coach, Mr. Roberts, said that I could practice with the boys team but that I could not compete against boys. The principal supported this view because there are no funds for a girls team.

Names and addresses of others involved in the grievance and the nature of their involvement:

Mr. Roberts - boys track team; Mr. Jones - School Principal

Signature of Grievant Jane Smith

Person receiving Grievance Mr. Harrington, Chapter 622/Title IX Coordinator

RESOLUTION OF GRIEVANCE

1. Violation: Yes No (If no, please explain)

2. Corrective action recommended:

Jane must be allowed to practice and compete with the boys track team until sufficient funds can be allocated for a girls track team.

3. Remedial measures recommended:

Jane must be allowed to immediately join the boys track team. An all-school announcement must be made, and sent home to parents, encouraging other students to participate.

\*Implementing Title IX: A Sample Workshop, Resource Center on Sex Roles in Education. U.S. Department of Health, Education, and Welfare.

## PART IV

### Other Things You Can Do To Promote Equal Educational Opportunity



Once you are familiar with Chapter 622 and Title IX, share the information with other students so they can be aware of their educational rights under the law.

Here are a few activities you might try:

#### Write an Article for Your School or Local Newspaper

Writing an article for your school or local newspaper is a good way to inform people and make them aware of the importance of Chapter 622. This way a large number of students, parents, and townspeople can learn about the law, what their rights are, and what they can do to reduce discrimination.

#### Give a Workshop

Present your information at a workshop. Get your student government or an interested teacher involved and organize a workshop about your rights under Chapter 622. The workshop may be used in history or government classes, with your student council, or in a school assembly. If you find a teacher to sponsor you, you may be able to receive class credit.

#### Speak to Other Groups

Speak to outside groups like the PTA, community organizations, the school committee, church groups, or any other organization that might like to know about Chapter 622. Getting parents and other people interested and informed about Chapter 622 is important. Parents should know that their children's right to an equal education depends on their own awareness of the law as well as their children's awareness. Community awareness is a step towards guaranteeing that Chapter 622 is properly implemented and enforced.



## REGIONAL EDUCATION CENTERS and STUDENT SERVICES CENTERS

The central office of the Massachusetts Department of Education is located at 31 St. James Avenue, Boston, MA 02116. The Department has six regional education centers located across the Commonwealth and each one has a Student Service Center operated by students for students.

If you have any questions on Chapter 622 or questions about any educational issues, call, write, or visit the Student Service Center or Equal Educational Opportunity coordinator in the office nearest your town.

GREATER BOSTON REGIONAL CENTER  
54 Rindge Avenue Extension  
Cambridge, MA 02140  
(617) 547-7472

CENTRAL MASSACHUSETTS  
REGIONAL CENTER  
Beaman Street, Route 140  
West Boylston, MA 01583  
(617) 835-6267

NORTHEAST REGIONAL CENTER  
219 North Street  
North Reading, MA 01864  
(617) 664-5723, 727-0600

SOUTHEAST REGIONAL CENTER  
P.O. Box 29  
Middleboro, MA 02346  
(617) 947-6367

SPRINGFIELD REGIONAL CENTER  
155 Maple Street  
Springfield, MA 01105  
(413) 739-7271

PITTSFIELD REGIONAL CENTER  
188 South Street  
Pittsfield, MA 01201  
(413) 499-0745

### CENTRAL OFFICE

Massachusetts Department of Education  
Bureau of Equal Educational Opportunity  
31 St. James Avenue  
Boston, MA 02116  
(617) 727-5880





